

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

BRIAN F. DRAKE,

Plaintiff,

vs.

Civil Action 2:07-CV-1084

Judge Marbley

Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the February 26, 2009 Order, the Report and Recommendation is **ADOPTED** and **AFFIRMED**. The decision of the Commissioner is **REVERSED** and this action is hereby **REMANDED** to the Commissioner of Social Security for further proceedings. Final Judgment entered pursuant to Sentence 4 of 42 U.S.C. § 405(g).

Date: February 26, 2009

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk